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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,785	06/11/2001	Denis Fauconnier	522-1738	4602
7590	03/30/2004		EXAMINER	
Lee Mann Smith McWilliams Sweeney & Ohlson PO Box 2786 Chicago, IL 60690-2786			DAO, MINH D	
			ART UNIT	PAPER NUMBER
			2682	6

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/807,785	FAUCONNIER, DENIS
	Examiner MINH D DAO	Art Unit 2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 23-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 23-28, 30-33, 35-36, 39-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Acampora et al. (US Patent 5,528,583).

Regarding claim 23, Acampora teaches a method of operating a telecommunications system in which mobile terminals may communicate with base stations over an air interface and a communications network is provided for linking each base station to other points in the network via one or more nodes, a communication to another user terminal being supported by one or more first radio links between one or more current base stations and a mobile terminal through a plurality of current nodes of the system (See fig. 1, col. 4, lines 22-34), the method comprising the steps of: providing to the mobile terminal information defining explicitly at least some of the current nodes of the communications network supporting the communication (col. 3, lines 59-66); and, in preparation for setting up a further radio link between the mobile terminal and a target base station while the current one or more first radio links are still supporting the communication or one or more of the first radio links has just been lost: the mobile terminal transmitting the information defining explicitly at least some of the current nodes

of the communications network supporting the communication to the target base station (col. 7, lines 14-20).

Regarding claims 24, 31, and 40, Acampora teaches a method according to claim 23, wherein the information is a list of addresses of the relevant network nodes (see fig. 1, nodes 5, 7, 8, and 9).

Regarding claims 25 and 32, Acampora teaches the step of at least partially re-using the old communication path supporting the one or more first radio links for the new communication path including the further radio link, whereby the reused part of the old communication path terminates on one of the nodes defined in the information (col. 4, lines 44-55).

Regarding claims 26, Acampora teaches a method according to claim 23, wherein the method is part of a handover procedure or call re-establishment or assignment of a target base station to candidate set from neighbour set or assignment of a target base station from candidate set to active set (col. 4., lines 44-55; or see Summary of the Invention).

Regarding claims 27, Acampora teaches a method according to claim 26, wherein the method is part of a handover procedure and the further radio link is set up before the one or more first radio links are terminated (col. 4, lines 44-55).

Regarding claims 30, 39 and 41 the claims have the same limitations as in claim 23, therefore is rejected for the same reason set forth in claim 23.

Regarding claims 35, Acampora teaches a method of operating a telecommunications system in which mobile terminals may communicate with base stations over an air interface and a communications network is provided for linking each base station to other points in the network via one or more nodes, a communication to another user terminal being supported by one or more first radio links between one or more current base stations and a mobile terminal through a plurality of current nodes of the system, the method comprising the steps of: providing the mobile terminal with pre-authenticated reference data for that mobile terminal (col. 3, line 67; col. 4, lines 1-2); copying the pre-authenticated reference data to at least some of the current nodes of the communications network supporting the communication (col. 6, lines 8-15); and, in preparation for setting up a further radio link between the mobile terminal and a target base station while the current one or more first radio links are still supporting the communication or one or more of the first radio links have just been lost: the mobile terminal transmitting at least a part of the pre-authenticated reference data to the target base station (col. 6, lines 60-67).

Regarding claims 28, 33, and 36 the claims have the same limitations as in claim 35, therefore is rejected for the same reason set forth in claim 35.

Regarding claims 42, 43 and 44, Acampora teaches an explicit information defining nodes supporting the existing communication includes explicit information defining at least two levels of a hierarchical telecommunications network (see fig. 1, col. 3, lines 45-50).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29, 34, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acampora in view of Gilhousen et al. (US Patent 5,603,096).

Regarding claim 37, reference Acampora teaches most of the limitations of the claim except that it fails to teach the target base station beginning fast power control with the mobile terminal. Gilhousen, in an analogous art, teaches the target base station beginning fast power control with the mobile terminal before the path through the network supporting the further radio link is complete (col. 4, lines 44-48; col. 6, lines 56-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time

of the invention was made to provide the teaching of Gilhousen to Acampora in order to be able to control the quality of the communication link at hand-off.

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Regarding claims 29, 34, and 39, the claims have the same limitations as in claim 37, therefore is rejected for the same reason set forth in claim 37.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Acampora et al. (US Patent 5,487,065) discloses Method And Apparatus For Supporting Mobile Communications Asynchronous Transfer Mode Based Network.
- b. Mishra et al. (US Patent 5,590,126) discloses Method For Call Establishment And Rerouting In Mobile Computing Network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao  
Examiner  
Art Unit 2682  
March 19, 2004 *mod*

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

*3/22/04*